IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 14473 of 2006(W)

PETITIONER:

RESHIDA BEEVI,
W/O. LATE ASSAN SAHIB, AGED 50 YEARS,
KOLLAMPARAMBILTHEKKETHIL, EDATHARA,
PATHIRICKAL P.O., PATHANAPURAM.

BY ADV. SRI.C.A.CHACKO

RESPONDENTS:
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1. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, PATHANAPURAM,
KOLLAM DISTRICT.

2. THE VILLAGE OFFICER,
PATHANAPURAM VILLAGE, KOLLAM.

ADDL.R3. M/S.MULAMOOTTIL LEASING AND HIRE PURCHASE PVT. LTD.,
KOZHENCHERY,
REP. BY ITS MANAGING DIRECTOR,
JACOB THOMAS,
REP. BY HIS POWER OF ATTORNEY HOLDER,
V.K.ABRAHAM,
MANAGER, MULAMOOTTIL BANKERS,
PATHANAMTHITTA.

(IMPLEADED AS PER ORDER DATED 17.10.06 IN I.A.14295/06)

BY ADV. SRI.V.PHILIP MATHEW FOR R3
GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.14473/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE RR NOTICE DATED 12.5.2005 ISSUED BY THE RESPONDENTS.

EXT.P2: TRUE COPY OF THE JUDGMENT DATED 10/8/01 IN C.C.NO.514/98 ON THE FILE OF JFCM, PATHANAMTHITTA.

EXT.P3: TRUE COP OF THE REPRESENTATION DATED 21.5.2006 MADE BEFORE THE 1ST RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

K.BALAKRISHNAN NAIR,J.

WP(C)NO.14473 OF 2006-W

Judgment

The petitioner's husband was in default to the third respondent in relation to a loan availed of by him to purchase an autorickshaw. The cheque furnished by him to the third respondent bounced. So, the said respondent moved the competent court and obtained Ext.P2 Judgment, by which, the petitioner's husband was convicted and was also directed to pay an amount of Rs.50,000/- by way of compensation. For realising the amount awarded as compensation, the revenue recovery machinery was moved and Ext.P1 notice was issued to the petitioner's husband on 12.05.2006. The petitioner submits, in the meantime, her husband died on 15.04.2005. So, this Writ Petition is filed, challenging Ext.P1.

2. I heard the learned Government Pleader appearing for respondents 1 and 2 and also the learned counsel for the additional third respondent. No recovery can be made against the legal heirs, based on Ext.P1, which is a notice, issued against a dead person. But, the 1st respondent can proceed against the estate of the deceased, after issuing notice to his legal heirs.

The Writ Petition is disposed of as above.

14.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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